

Appl. No. : 10/805,766  
Filed : March 22, 2004

### REMARKS

In response to the Office Action mailed September 15, 2006, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the above amendments and the following remarks.

#### Response to Drawing Objection

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a), stating "the stop mechanism being disposed in the supply path between the floss supply and the advancement mechanism, must be shown or the feature(s) canceled from the claim(s)." (Office Action, ¶ 1). Applicants respectfully traverse the rejection, and contend that this feature is shown in the drawings.

As discussed in paragraph [0041] of Applicants' specification,

The housing 32 encloses a floss supply 42, stop mechanism 44 and take-up mechanism 50, as well as a floss supply path 52 and a floss return path 54. The floss supply 42 is disposed within the handle portion 34 of the housing 32, and floss 56 from the supply 42 extends along the supply path 52 to a distal tine 60 in the head 36 of the flosser 30. The supply floss 56 exits the distal tine 60 at a path exit 62 and re-enters the housing 30 at a return path entrance 64 disposed in a proximal tine 70. From the return path entrance 64 the floss, now termed return floss 58, follows the return path 54 to the take-up mechanism 50.

As further discussed in the specification and shown in Figures 8-10, the floss runs along a path from the supply 56 to the take-up mechanism 50. That path runs through the stop mechanism 44, to the head 36 and then to the take up mechanism 50. Thus, the stop mechanism is disposed in the supply path between the floss supply and the advancement mechanism.

Since the drawings show this feature, Applicants respectfully request that the Examiner withdraw the rejection of the drawings.

#### Claims 1 and 2

The Examiner rejected Claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over Bergman (US 5,495,863) in view of Ochs (US 6,080,481). Applicants respectfully traverse the Examiner's rejection, and disagree with the Examiner's characterization of Ochs.

The cited references do not teach or suggest all of the limitations recited in Claim 1, and in fact teach against the recited invention. For example, the cited art does not teach or suggest at least the following Claim 1 limitation: "the floss comprising a first surface coating comprising a

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water soluble material and a second surface coating comprising a generally non-water soluble material, the second coating substantially encapsulating the first coating."

The Examiner states that "Ochs et al teach a dental floss comprising a first coating made from water-soluble multi-wax and a second coating made from beeswax (column 4, lines 60-65)." (Office Action, ¶ 4). Applicants respectfully disagree. Column 4, lines 60-65 of Ochs, which are referenced by the Examiner, describe beeswax, which is a water-insoluble wax. The actual teaching of Ochs is as stated at column 8, lines 15-16: "The coating composition of the present invention is comprised of water-insoluble wax . . . ." (emphasis added), which may be beeswax. As for water-soluble coatings, Ochs also states, at column 13, lines 29-31: "a supplemental coating may also be applied over the water-insoluble coating. This supplemental coating may be water-soluble . . . ." (emphasis added). The arrangement taught by Ochs is opposite the arrangement claimed by Applicants.

Since the cited references do not teach or suggest all of the limitations of Claim 1, or claim 2 which depends therefrom, Applicants respectfully request that the Examiner withdraw the rejection of these claims.

#### Claims 3-8

The Examiner rejected Claims 3-8 under 35 U.S.C. § 102(b) as anticipated by Bergman. Applicants respectfully traverse the rejection and disagree with the Examiner's characterization of the cited reference.

As discussed in column 4, lines 1-5 and illustrated in Figure 5, Bergman teaches a winding gear 22 having serrations 44 on its periphery. A ratchet arm 46, such as a spring clip, cooperates with the serrations so that the winding gear rotates in only one direction. This is different than the structure recited in Claim 3. For example, Bergman doesn't teach or suggest a series of ratchet receiver members integrally formed with the housing. Rather, Bergman teaches the spring clip and serrations. Also, Bergman doesn't teach or suggest the advancement mechanism comprising a flexible ratcheting member that engages the series of ratcheting receiver members of the housing.

Since Bergman does not teach or suggest all of the limitations of Claim 3, Applicants respectfully request that the Examiner withdraw the rejection of this claim.

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The claims that depend from Claim 3 recite additional subject matter not taught or suggested by the cited reference. For example, Claim 6 recites a rotatable member about which floss is wound, which rotatable member has a guard disposed on a side of the axle opposite the ratcheting member, and the floss supply path extends past the member on a side of the guard opposite the axle (which holds the return floss). This recited structure provides an efficient and reliable floss supply path while keeping unused floss separated from used floss. Further, this structure is not taught or suggested by the cited reference.

Claim 3 additionally recites a wall disposed between the floss supply path and the floss return path in the housing head portion. Further, Claim 7 recites a structure in which the return path has a greater minimum width along its length than the supply path. This structure aids in at least ventilating the return floss while minimizing pathway constraints that could compromise communication of tension from the advancement mechanism to the floss in the head of the device. Also, such structure is not taught or suggested by the cited reference.

#### Claims 17-27

The Examiner rejected Claim 17 under 35 U.S.C. § 102(b) as anticipated by Bergman. The Examiner rejected Claim 17 and Claims 18-25, which depend from Claim 17, under 35 U.S.C. § 103(a) as unpatentable over Bergman. Applicants respectfully traverse the rejection.

Claim 17 recites, *inter alia*, certain structure of the recited hand-held flossing device, such as "the head having an inner wall portion and an outer wall portion, the inner wall portion having a thickness greater than the outer wall portion", and also, "the take-up mechanism and stop mechanism configured to impart at least 4 pounds of tension to the floss." At least these limitations are never contemplated by the Bergman reference. Notably, the Examiner has not addressed the limitation regarding the wall thicknesses. This is a unique feature not taught or suggested in the Bergman reference. Since these features are not taught or suggested, and in fact the wall thicknesses were not addressed by the Examiner, Applicants contend that the rejection of Claim 17 should be withdrawn.

With regard to Claims 18-25, the Examiner refers to certain limitations as simply optimizing ranges. Applicants respectfully disagree. Applicants' claimed device operates at significantly higher tensions than prior devices, as well as its current competitors in the marketplace. Such tensions, such as the 7 pounds recited in Claim 20, create certain issues not

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taught or suggested in the prior art. Further, the Examiner has not addressed other structural features unique to Applicants. For example, claim 18 additionally recites that the inner wall portion thickness is at least twice the outer wall portion thickness, and Claim 19 recites that the inner wall portion directly supports floss at the exit and entrance. These features are not taught or suggested by Bergman.

#### Claims 28 and 29

The Examiner rejected Claims 28 and 29 under 35 U.S.C. § 102(b) as anticipated by Bergman. Applicants respectfully traverse the rejection.

Claim 28 recites, *inter alia*, a hand-held flossing device having housing with floss paths, the housing being arranged and configured to include an enclosed truss structure. Claim 29 further recites that the housing comprises a plurality of interior walls, and at least some of the interior walls interact to form an enclosed truss structure. None of these limitations are taught by the Bergman reference. Further, in making the rejection, the Examiner has not asserted that Bergman teaches these limitations. In fact, these limitations have been unaddressed except that these claims have been rejected. Since the cited art does not teach or suggest all of the recited limitations, Applicants respectfully request that the rejection of these claims be withdrawn.

#### Cancelled Claims

Claims 12-16 have been cancelled without prejudice. Applicants reserve the right to pursue claims to the cancelled subject matter in subsequent applications.

#### New Claims

New claims 31-33 depend from Claims 1 and 28, and recite further patentable features, such as the non-water-soluble wax being applied directly to floss, and further aspects of a recited truss. These features are not taught or suggested in the cited references, and are currently considered to be in condition for allowance.

#### Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections and objections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped

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issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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